

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY STALEY,

Plaintiff,

v.

HELEN SMART ET AL.,

Defendants.

23-CV-3546 (DEH)

ORDER

DALE E. HO, United States District Judge:

On April 27, 2023, Plaintiff proceeding *pro se* filed a Complaint against the New York City Transit Authority alleging various employment discrimination claims. *See* ECF 1. On September 19, 2023, Defendants filed a motion to dismiss the Complaint in its entirety. ECF No. 29. On July 30, 2024, United States Magistrate Judge Valerie Figueredo issued a Report and Recommendation (the “Report”) recommending that the Motion to Dismiss be granted. ECF No. 56. However, the Report recommended that Plaintiff be allowed to replead some of his claims in an amended complaint. *Id.* at 32. This Court adopted Judge Figueredo’s Report in full on August 14, 2024, including its recommendation that Plaintiff be allowed to refile some of his claims. ECF No. 57.

On September 11, 2024, Plaintiff filed a “Declaration in Opposition to Defendants Motion for Dismissal.” ECF No. 61. The Court construed this document as Plaintiff’s motion for reconsideration of the Court’s August 14 Order. ECF No. 63. After full briefing, this Court denied Plaintiff’s Motion for Reconsideration on October 11, 2024. ECF No. 65. The Court’s Opinion and Order denying Plaintiff’s motion included the following language:

Mr. Staley is reminded that this Court has adopted Magistrate Judge Figueredo’s Report in full, including the recommendation that he be afforded leave to amend his Complaint. That is, if Mr. Staley believes that he can address the deficiencies in his original Complaint that were identified in Magistrate Judge Figueredo’s Report, he may file a

letter motion with the Court asking for “leave” (that is, permission) to file an “Amended Complaint,” along with the proposed Amended Complaint attached as an exhibit. Any such letter shall explain how the Amended Complaint differs from the original one and how these differences address the issues identified in Magistrate Judge Figueredo’s Report.

Id. at 3. The Court ended its Opinion and Order by stating, “[i]f Mr. Staley would like to file an Amended Complaint, he shall file a letter motion seeking leave to do so, attaching the proposed Amended Complaint as an exhibit, no later than December 9, 2024.” *Id.* at 4.

On December 9, 2024, Plaintiff filed a (proposed) Amended Complaint. ECF No. 69. Plaintiff did not, however, follow the Court’s instruction to file an accompanying letter seeking leave to file this Amended Complaint. It is hereby **ORDERED** that Plaintiff shall file such a letter, not to exceed five (5) pages, by **January 13, 2025**. The Court will construe that letter as Plaintiff seeking leave to have his Amended Complaint filed. The letter must include an explanation as to how the proposed Amended Complaint differs from the original Complaint and how these differences address the issues identified in Magistrate Judge Figueredo’s Report.

SO ORDERED.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff proceeding *pro se*.

Dated: December 16, 2024
New York, New York



DALE E. HO
United States District Judge